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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,995	07/11/2001	Nuggehally S. Jayant	07815.105002	1924

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EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/902,995	Applicant(s) JAYANT ET AL.	
	Examiner Tung Vo	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35-51 is/are allowed.
- 6) ☒ Claim(s) 1-27 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 28-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 17-21, 24-26, 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Aharoni et al. (US 6,014,694).

Re claim 17, Aharoni discloses a method for calculating an optimum display size (fig. 9) for a visual object comprising the steps of:

for a predetermined number of frames of visual object, calculating a step size (100 and 102 of fig. 9);

deriving a coding difficulty value as a function of step size (106 of fig. 9); and

determining the optimum display size (figs. 8, e.g. frame, kb, levels) for the visual object based on at least one of the coding difficulty value and a visual object transmission rate (cols. 11-13).

Re claims 18-20, Aharoni further discloses wherein the visual object comprises one of a graphical image and video (MPEG movies), wherein the graphical image comprises one of a banner advertisement, a photograph, and a graphical object, wherein the video comprises one of a video downloaded to a file from the internet, a live television signal, internet streaming, and video retrievable on a portable storage medium (see col. 1, e.g. a raw video data 210 such as described in connection with the MPEG-1, MPEG-2 or MPEG-4 standards, MPEG-4 obtains a banner advertisement, a photograph, and a graphical object, wherein the video comprises one of a video downloaded to a file from the internet, a live television signal, internet streaming, and video retrievable on a portable storage medium).

Re claim 21, Aharoni further discloses further comprising the step of receiving the visual object from a computer network (22 of fig. 1)

Re claim 24, Aharoni further discloses further comprising the step of receiving a form of payment as a requirement to decode the visual object (Video On Demand).

Re claim 25, Aharoni further discloses further comprising the step of calculating step sizes for one of: sets of frames of the visual object, a sampling of frames of the visual object, and each frame of the visual object (fig. 9, e.g. selecting frame or frame).

Re claim 26, Aharoni further discloses wherein the step of calculating the step size further comprises the step of calculating the step size based upon a first transformation coefficient (106 of fig. 9, e.g. Levels 5, 4, 3, 2, 1; fig. 8 for P, B frames).

Re claim 27, Aharoni further discloses wherein the step of calculating the step size further comprises the step of calculating the step size based upon a second transformation coefficient (108 of fig. 9, e.g. notifying transmission rate from the client).

Re claim 28, Aharoni further discloses the step of calculating a mean value of the calculated step sizes (optimum step size or level, fig. 8, e.g. level 2).

Re claim 31, Aharoni further discloses further comprising the step of automatically displaying the visual object with the optimum display size (fig. 3, e.g. decoding and displaying).

Re claim 32, Aharoni further discloses further comprising the step of displaying the visual object with the optimum display size in response to a user command (22 of fig. 1, e.g. client command, Internet shopping).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8-16, 22-23 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aharoni et al. (US 6,014,694) in view of Jones (US 6,310,909 B1).

Re claims 33 and 34, Aharoni further teaches displaying the decoded image but not displaying a message with one of a cathode ray tube, a liquid crystal display, a light emitting diode display, and a projector and calculating one or more signal to noise ratios as claimed.

However, Jones discloses a system for displaying a decoded image and an message with one of a cathode ray tube, a liquid crystal display, a light emitting diode display, and a projector col. 58-60, After a short delay either system type will display a message to the screen indicating that typing a "C" will start the automatic rate adaptive initialization) and calculating one or more signal to noise ratios (col. 8; fig. 3).

Therefore, taking the teachings of Aharoni and Jones as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Jones into the method of Aharoni for displaying the message with one of the displays. Doing so would easily recognize the receiving system automatically.

Re claims 6-7 and 22-23, the wireless communication for transmitting the encoded video object is well-known in the art. Therefore, the Official Notice is taken.

Allowable Subject Matter

6. Claims 35-51 are allowed.
7. Claims 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaashi et al. (US 5,621,429) discloses a video data display and control.

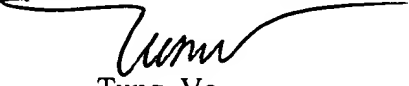
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tung Vo
Primary Examiner
Art Unit 2613